

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Dupree Evans,	)	
	)	
Petitioner,	)	
	)	C/A No.: 4:17-CV-2085-TLW
vs.	)	
	)	
Warden, Lieber Correctional Institution,	)	
	)	
Respondent.	)	
_____	)	

**ORDER**

This matter comes before the Court on Petitioner's filing captioned "Motion to Alter/Amend and/or Reconsider Judgment Pursuant to Rule 59(e), Fed.R.Civ.P.," which seeks reconsideration of the Court's July 20, 2018 Order granting summary judgment and dismissing the petition. ECF No. 56.

The Court has carefully reviewed the applicable filings and relevant case law. Altering or amending a judgment pursuant to 59(e) is appropriate "to correct a clear error of law or prevent manifest injustice." *Slice-Sadler v. Principal Life Ins. Co.*, 734 F. App'x 204, 205 (4th Cir. 2018). However, Petitioner fails to show any intervening change in controlling law, account for new evidence, or to show clear error of law or manifest injustice. Further, Rule 59(e) motions cannot be used to relitigate old matters. *Arthur v. King*, 500 F.3d 1335, 1343 (11th Cir. 2007). Although Petitioner alleges he is innocent, his argument is based on broad assertions, and he presented this argument in his objections to the Report and Recommendation. Further, his assertions do not cure

the untimeliness of his petition or warrant equitable tolling. Thus, he does not present sufficient evidence of manifest injustice, extraordinary circumstances, or new evidence.

For the reasons stated, the Court concludes that Petitioner has not set forth sufficient grounds to cause the Court to alter or amend its prior Order. Therefore, Petitioner's motion for reconsideration, ECF No. 56, is **DENIED**.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
Terry L. Wooten  
Chief United States District Judge

November 5, 2018  
Columbia, South Carolina